

**Docket No:** 07-0390  
**Bench Date:** 06/04/08  
**Deadline:** 06/27/08

**MEMORANDUM**

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**TO:** The Commission

**FROM:** Glennon Dolan, Administrative Law Judge

**DATE:** May 20, 2008

**SUBJECT:** Margaret Daniel  
-vs-  
SBC Long Distance LLC d/b/a SBC Long Distance d/b/a  
AT&T Long Distance  
  
Complaint as to service in Chicago, Illinois.

**RECOMMENDATION:** Enter the attached Order dismissing the Complaint.

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On June 27, 2007, Margaret Daniel, ("Complainant"), filed a verified Complaint with the Illinois Commerce Commission ("Commission") against SBC Long Distance, LLC d/b/a SBC Long Distance d/b/a AT&T Long Distance ("Respondent" or "AT&T LD" ) claiming that AT&T LD had improperly removed an unlimited long distance calling plan from her account in Chicago, Illinois.

On August 24, 2007, the Respondent filed a verified motion to dismiss the Complaint filed by Ms. Daniel. AT&T LD argues three points in the motion to dismiss. First, that the primary Complaint filed by Ms. Daniel is founded on a violation of the terms of the AT&T LD tariff. The relevant portion of the tariff for the connection plan states that the service should not be used for internet connection and allows the Respondent to remove customers from the plan when they use it for improper purposes. Second, the Commission lacks jurisdiction over the Complaint because the claim it asserts are not recognizable here. The Complainant alleges that the conduct of the Respondent violates the Consumer Fraud Act. (815 ILCS 505/1) Finally, the Complaint seeks relief that the Commission cannot award. In her Complaint, Ms. Daniel seeks several types of relief including reinstatement of her unlimited calling pack, compensation for inconvenience she has suffered, damages for pain and suffering and elimination of the new charges on her phone bill. She also requested that the Commission represent her properly in this proceeding.

Ms. Daniel was removed from this plan and then reinstated two different times by the Respondent. In June, 2006, AT&T LD found that Ms. Daniel was still using the service to access a computer modem, the calling plan was switched to a per-minute calling plan. A block was also placed on her account to prevent any unlimited calling

plan from being added in the future. The Respondent tried to make reasonable accommodations to the Complainant for this calling plan. However, the relief that the Complainant is seeking is a violation of the tariff that AT&T LD has on file.

A copy of the Administrative Law Judge's Proposed Order was duly served on the parties. Due to the Complainant difficulty in receiving the Proposed Order, time for filing exceptions was extended two times. No exceptions or other documents were filed by either party.

Accordingly, I recommend that Respondent's Motion to Dismiss be granted and this Complaint be dismissed.

GD:fs